IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13328 of 2005

Between:

1. Machavarapu Sivarama Krishna, S/o.Machavarapu Venkateswarlu, 40 years, Washerman.
2. Kanugunta Venkaiah, S/o.Kanugunta Venkaiah, 45 years, Washerman.
3. Dharmavarapu Sreenivasarao, S/o.Dharmavarapu Subbarao, 40 years, Washerman.
4. Bezawada Mohanarao, S/o.Musalaiah, 45 years, Washerman.
5. Kolli Srinivas Reddy, S/o.Venkateswara Reddy, 40 years, Washerman.
6. Kolli Mangamma, W/o.Kolli Atchireddy, 50 years.

(All are residents of Namburu Village, Pedakakani Mandal, Guntur District)

...PETITIONERS

AND

1. The District Collector, Guntur District, Guntur.
2. The Revenue Divisional Officer, Guntur, Guntur District.
3. The Mandal Revenue Officer, Pedakakani Mandal, Guntur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus to declare the action of the respondents in not taking any action pursuant to the representation dated 17.03.2005 as arbitrary, illegal and consequently direct the respondents to forthwith act upon the representation dated 17.03.2005.

Counsel for the Petitioners: MR.B.NAGI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13328 of 2005

ORDER:

The petitioners filed this Writ Petition to declare the action of the respondents in not taking any action pursuant to their representation dated 17.03.2005 as arbitrary, illegal and to direct the respondents to dispose of the above said representation.

The grievance of the petitioners is that the respondents did not deliver the possession of the land of an extent of 0.03 cents in Survey No.222/3 of Namburu Village, Pedakakani Mandal, Guntur District during the year 1991 to them in pursuance of the pattas granted to them. One Vasireddi Jaya Prasad entered into their sites without having any manner of right, title, interest or claim and removed their thatched houses. He and also filed a suit in O.S.No.3 of 1993 on the file of the II Additional Munsif Magistrate, Guntur. The said suit was decreed on 15.02.1995 with the following observation:

> "If the pattas are given to the defendants, they can approach the Revenue authorities forgetting land delivered to them after evicting the plaintiff under due process of law".

Accordingly, they made a representation before the Revenue authorities on 17.03.2005, which is pending consideration by the respondents. As such they are constrained to file this Writ Petition.

Considering the facts and circumstances of the case, instead of admitting the Writ Petition, I deem it appropriate to dispose of the Writ Petition in the interest of justice.

The Writ Petition is accordingly disposed of directing the respondents to consider the petitioners' representation dated 17.03.2005 and pass appropriate orders by virtue of the observation made by the Court below while disposing the suit in O.S.No.3 of 1993, within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law.

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(ELIPE DHARMA RAO, J)

22nd June 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Collector, Guntur District, Guntur.
2. The Revenue Divisional Officer, Guntur, Guntur District.
3. The Mandal Revenue Officer, Pedakakani Mandal, Guntur District.
4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.